IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3792 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

D.J.TRIVEDI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3792 of 1994

MR RD RAVAL for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

Date of decision: 18/08/2004

ORAL JUDGEMENT

#. The petitioner has prayed in this petition to issue a writ of mandamus or certiorari or any other appropriate

writ, order or direction to compel the respondent to carry out the judgment of this court (Coram : N.J.Pandya, J.) (as His Lordship then was) delivered in Special Civil Application No.46/86 on 16.1.1986 in its true letter and spirit and it is further prayed that the respondent be directed to pay the arrears of pay and other benefits with effect from 1.4.1963 onwards up to 24.2.1977 i.e. Rs.31,000/= with 18% interest on it from 1977 till the date of payment within a period of 15 days from the date of the order.

#. Once earlier petition of the petitioner is allowed, then the best course open to the petitioner was to either file contempt petition for not complying with the order of this court passed in Special Civil Application No.46/86 or to execute the said judgment, but filing another writ petition before this court under Article 226 of the Constitution is not the proper remedy. This court cannot be converted into executing court.

In view of the above, this petition fails and is hereby dismissed. Rule is discharged. No order as to costs.

(B.J.Shethna, J.)

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